

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-09065-AH-MAA Date: March 27, 2025

Title *Xanten Sigmund v. Darlington Villas Homeowners Association Inc. et al.*

Present: The Honorable Maria A. Audero, United States Magistrate Judge

Cindy Delgado
Deputy Clerk

N/A
Court Reporter / Recorder

Attorney Present for Plaintiff:
Not present

Attorneys Present for Defendant:
Not present

Proceedings (In Chambers): Second Order to Show Cause Re: Failure to Serve Complaint

On February 6, 2025, the Court issued an Order to Show Cause re: Failure to Serve Complaint (“OSC”). (OSC, ECF No. 6.) The Court ordered Plaintiff to file a response stating why the Court should not recommend dismissal of the action without prejudice under Federal Rule of Civil Procedure (“Rule”) 4(m) for failure to serve the summons and Complaint within ninety days of filing the complaint. (*Id.* (citing Fed. R. Civ. P. 4(m).) The Court explained that Plaintiff could discharge the OSC by filing documents showing that the matter was being prosecuted diligently, such as proofs of service of the summons and Complaint. (*Id.*) Plaintiff’s response to the OSC was due no later than March 10, 2025. (*Id.*) The Court cautioned Plaintiff that **“failure to respond to this order will result in a recommendation that the lawsuit be dismissed without prejudice for failure to prosecute and/or failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). See C.D. Cal. L.R. 41-1.”** (*Id.*)

To date, Plaintiff has not filed a response to the OSC or otherwise filed documents showing that this action is being prosecuted in a diligent manner. Accordingly, Plaintiff is hereby given one final opportunity and once again is **ORDERED TO SHOW CAUSE**, in writing, no later than **April 25, 2025**, why the Court should not recommend that this action be dismissed without prejudice under Rule 4(m). In lieu of a written response, Plaintiff may discharge this Order to Show Cause by filing documents showing that the matter is being prosecuted diligently—for example, proofs of service of the summons and Complaint.

Plaintiff is cautioned that failure to respond to this order will result in a recommendation that the lawsuit be dismissed without prejudice for failure to prosecute and/or failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). See C.D. Cal. L.R. 41-1.

It is so ordered.